IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 41/2007

RAMESH CHAND Vs. STATE OF RAJASTHAN & ANR.

DATE: 17.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Devi Singh Choudhary for the petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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This revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 11.10.2006 passed by the learned Sessions Judge, Sawai Madhopur in Criminal Appeal No. 43/2006, by which the learned Sessions Judge while giving the benefit of probation under Section 4 of the Probation of Offenders Act to the accused-respondent Jamna Lal, has partly allowed his appeal preferred against the judgment dated 27.05.2006 passed by the Additional Judicial Magistrate, First Class, Sawai Madhopur in Criminal Case No. 136/2002, by which respondent Jamna Lal has been convicted under Sections 323, 324 and 336 IPC and sentenced to undergo S.I. for one month under Sections 323 and 336 IPC respectively and S.I. for one year under Section 324 IPC.

Learned counsel for the petitioner submits that the injury received by the petitioner is due to burn and this injury has not been properly considered by the Court below and wrongly given the benefit of probation under Section 4 of the Probation of Offenders Act to the accused-respondent.

Having gone through the impugned judgment of the Appellate Court dated 11.10.2006, discretion of giving benefit of probation has rightly been exercised by the Appellate Court looking to the nature of injury. I find no illegality in the impugned judgment dated 11.10.2006 and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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